

**BY ORDER OF THE COMMANDER  
AIR FORCE MATERIEL COMMAND**



**AIR FORCE INSTRUCTION 16-201**

**AIR FORCE MATERIEL COMMAND  
Supplement 1**

**26 FEBRUARY 2003**

**Operations Support**

**DISCLOSURE OF MILITARY INFORMATION  
TO FOREIGN GOVERNMENTS AND  
INTERNATIONAL ORGANIZATIONS**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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This supplement implements AFI 16-201, *Disclosure of Military Information to Foreign Governments and International Organizations*. It expands on the guidance provided in AFI 16-201 and applies to all AFMC field units to include product centers, logistics centers, test centers, and laboratories. If supplemented locally, submit a copy to AFSAC/IAD, Wright-Patterson AFB OH 45433.

**SUMMARY OF REVISIONS**

Provides an overall update and increased detail on the responsibilities of designated foreign disclosure offices. Incorporates requirement for a MAJCOM Staff Assistance Visit Program, augmenting the HQ AFMC/IG Unit Compliance Inspection (UCI) Team for foreign disclosure, and providing a formal foreign disclosure training program. Incorporates additional detail and guidance on the required procedures for all types of releases of information. Outlines specific procedures required for reporting compromises associated with unauthorized disclosures.

**AFI 16-201, 24 October 1994 is supplemented as follows:**

**1.3. (Added) HQ AFMC (AFSAC/IAD) Foreign Disclosure Responsibilities.** AFSAC/IAD is the Air Force Materiel Command (AFMC) designated Command foreign disclosure policy office for all disclosure matters and is responsible for the overall development and operation of the AFMC foreign disclosure program. AFSAC/IAD will:

- Develop and issue Command policy and procedures and interpret higher level policy for disclosing military information to foreign governments, international organizations and all representatives thereof, according to MAJCOM authority and specific disclosure authority delegated to HQ AFMC by SAF/IA.

- At the discretion of AFSAC/IAD, as determined appropriate, redelegate disclosure release and visit approval authority to AFMC field organizations to authorize disclosure of military information to foreign governments, international organizations, or representatives thereof. The MAJCOM Foreign Disclosure Policy Office has the authority to withdraw this disclosure authority based on the demonstrated lack of performance to meet disclosure requirements. Any unit or organization that does not have a properly appointed, trained and certified disclosure officer does not hold disclosure authority.
- Develop, implement and maintain a required training program for and certification of installation commander designated foreign disclosure officers. Certification levels are based on completion of training requirements, levels and types of experiences with demonstrated accomplishments of foreign disclosure activities. Approval authority for certifications is AFSAC/IA.
- Develop and implement as appropriate, a Command staff assistance program to visit all field foreign disclosure offices (FDOs) to review, evaluate and insure effective establishment and operation of all foreign disclosure offices.
- Develop Unit Compliance Checklist (UCI) for the AFMC foreign disclosure program and provide representation to the HQ AFMC Inspector General (IG) Team to conduct UCI inspections of field foreign disclosure offices.
- Provide managerial and technical leadership in reviewing and evaluating the adequacy of disclosure programs by monitoring field activities, making staff visits, and providing support as required to AFMC field organization foreign disclosure offices.

1.3.2. (Added) Implementing Foreign Disclosure. The Air Force Security Assistance Center, International Affairs Division, Foreign Disclosure Policy Office, approves or denies disclosures of military information to foreign government representatives within the terms of authority delegated from The Deputy Under Secretary of the Air Force, Policy Branch, Disclosure Division (SAF/IAPD).

1.3.2.4. (Added) FOA, and DRU Commanders. HQ AFMC field organization commanders must designate one or more individuals as the foreign disclosure officers responsible for implementing disclosure policies redelegated to that product center, logistics center, test center, or laboratory. Written designation will be provided annually to AFSAC/IAD and when changes in foreign disclosure personnel warrant update.

- Insure there are sufficient number of foreign disclosure personnel, trained, experienced, and of proper rank to effectively run the foreign disclosure program.
- Insure all organizations under that organizational/command element are aware of that single foreign disclosure office and of the responsibilities to safeguard US technology and information when dealing in any manner with the international community or any individual representing a foreign government or entity.
- Insure accessibility by the foreign disclosure office to the command element for the purpose of keeping the commander aware and informed of all significant disclosure issues concerning releases of information, foreign national visit programs, special disclosure advisories, unauthorized releases, potential politically sensitive disclosure issues, and other related disclosure activity of interest to the commander.

1.3.2.5. (Added) Product Center, Logistics Center, Test Center, and Laboratory Foreign Disclosure Offices (FDO):

- As the designated FDO, is the focal point for all matters involving foreign disclosure affecting that HQ AFMC installation and/or organization.
- Must notify AFSAC/IAD in writing of all newly assigned foreign disclosure personnel and schedule for required disclosure training at earliest available date.
- Must provide annual foreign disclosure awareness/familiarization training to organizational program offices.

1.4.2.1.3. (Added) Delegation of Disclosure Authority Letters (DDLs) and Redlegation. As the HQ AFMC Command foreign disclosure authority, AFSAC/IAD has discretion in determining redelegation of a DDL to a subordinate designated disclosure authority. As the single authorized delegated authority, responsibilities of the field organization Foreign Disclosure Offices will include:

- Conduct annual review of all DDLs under their authority where that organization is prime for the program involved, to determine if any revision may be required; if so, take appropriate action to request a DDL change. A report of the review accomplished should be written and maintained in that Foreign Disclosure Office.
- Work with local program directors and managers to evaluate, research and prepare any request for exception to existing National Disclosure Policy, in accordance with the sample provided in AFI 16-201, Attachment 4. Requests received which are not in accordance with the required format will be returned without action. All requests for exception will be forwarded to AFSAC/IAD for validation and forwarded on to SAF/IAPD for presentation to the National Disclosure Policy Committee (NDPC) for a final decision. The final decision will be forwarded to the field FDO using the same disclosure channels.
- Make determination when warranted to provide an information only copy of a DDL to a program office to enable development of an international program within limitations of the existing DDL. This may be necessary when frequent access to the DDL is required and physical separation of offices makes frequent visits to the servicing FDO impractical. Requests to the FDO must be made in writing, and the DDL copy if provided, must clearly identify the following limitation on each page of that DDL: "This DDL copy is provided FOR INFORMATION ONLY, and does not authorize or may not be used to make any release decision(s)."

1.4.2.2. (Added) Field Requested Disclosures Without Delegated Authority.

- Field organization requests for release which exceeds their delegated authority must be elevated to AFSAC/IAD for a release decision. Proposals submitted should be prepared to include comprehensive supporting justification in accordance with AFI 16-201 and submitted to AFSAC/IAD. (Note: Incomplete requests received in AFSAC/IAD will be returned without action, to the field FDO.) If release determination cannot be made at the Command level, the request will be evaluated, a Command position will be added, and the request elevated to SAF/IAPD for final decision. The decision will be routed back to the field FDO through the same disclosure channels.
- Proposals submitted involving potential new programs involving Category 3 (Applied Research and Development Information Materiel) or Category 4 (Production Information) where there are anticipated continuing disclosures should include a proposed draft DDL with the request. Development of the draft DDL should be accomplished together by the field FDO, to insure

proper format and required information is included, and those DoD program personnel who will be directly involved in the proposed project, who are knowledgeable of anticipated program parameters, and can provide necessary detailed information on the proposed program. The proposal should be forwarded to AFSAC/IAD where it will be reviewed, a Command level position will be added, and it will be elevated to SAF/IAPD for final action. The final decision will be routed back to the field, and ultimate redelegation of the DDL if appropriate, through the same disclosure channels.

- All requests requiring elevation to SAF/IAPD must be routed through disclosure channels to AFSAC/IAD to allow for the MAJCOM position to be added. Requests forwarded directly to SAF will be returned without action.

**1.5. (Added) Disclosure Criteria.** All Foreign Disclosure Offices must examine the entire proposed program or action involving disclosure before deciding whether or not military information might be disclosed. The FDO must consider the classification of the hardware, documents, software, and other information or material needed for operations, maintenance and training, as well as information on the vulnerabilities of the system that will be released or that could be discerned through exploitation of the disclosed material. The FDOs initial disclosure review must not be limited solely to introductory or promotional material but must also consider the "whole picture" and evaluate any possible follow-on releases that might result. Air Force designated disclosure authorities may authorize disclosures only when all the basic disclosure criteria identified in AFI 16-201 are satisfied. This criteria review is applicable to and required on all disclosures. Air Force designated disclosure authorities authorize disclosures only when all the basic disclosure criteria in paragraphs 1.5.1. through 1.5.5. below are satisfied:

1.5.1. Disclosure is consistent with US foreign policy and national security objectives concerning the foreign government or international organization. For example:

- The recipient cooperates with the United States to meet military and political objectives that are compatible with those of the United States.
- The disclosure serves a specific US national purpose – diplomatic or military.
- The recipient will use the disclosed information or materiel to support mutual defense and security objectives.

1.5.2. Disclosure is consistent with US military and security objectives. For example:

- Disclosures of advanced technology, if compromised, will not constitute an unreasonable risk to the US position in military technology.
- The proposed disclosure reflects the need to strike a proper balance between our mutual defense and foreign policy objectives, and preserving US military secrets.

1.5.3. The foreign recipient will afford the information the same degree of security protection that the United States gives to it.

1.5.4. Disclosure will result in benefits to the United States equivalent to the value of the information. For example:

- The United States gets information from the recipient nation on a quid pro quo basis.
- Exchange of military information or participation in a cooperative project will be advantageous to the United States from a technical or other military viewpoint.

- The development of maintenance of a high level of military strength and effectiveness for the government receiving the information will be advantageous to the United States.

1.5.5. The disclosure is limited to information necessary to the purpose for which disclosure is made. For example, a disclosure made to facilitate the sale of military equipment would not also necessarily include information that would allow the recipient to manufacture the equipment.

**2.1. (Added) Foreign National Visits.** The Foreign Disclosure Office is the single focal point for receiving Foreign National Visit Requests (via FORDTIS), and interpreting and applying established policy for disclosing AFMC information to foreign national visitors or US citizens representing a foreign entity. Policy guidance is provided, and conditions and classification level are set by the Foreign Disclosure Office that determines which disclosures are authorized for release. It is the responsibility of the appropriate Foreign Disclosure Office to:

- Validate all information on a foreign national visit request, particularly the validity and currency of a stated program involved, ensure a clear understanding of the requested purpose, and determine the classification level required should the visit take place, prior to approving the visit. If the visit request is incomplete, it should be denied, returned to the embassy, and a short rationale provided of specifically what information or clarification is needed so the request may be resubmitted for reconsideration.
- Ensure the accepting project officer is a DoD person, that he/she fully understands their responsibility in accepting the visit, the type of visit, fully understands the limitations including the approved classification level, and has all information intended to be shared during the visit (oral, visual, documentary) cleared and authorized for release by the FDO prior to the visit taking place.
- Ensure the accepting point of contact understands that any information or documents requested by the visitor that was not pre-approved must be requested by the visitor via his/her embassy in Washington DC to SAF/IAPD after the visit takes place.
- Ensure the accepting point of contact understands and accepts full responsibility that the visit cannot exceed the approved location and purpose. A visit request cannot be changed; only the visit date can be changed if necessary in order to accommodate the DoD point of contact and visitor.
- Ensure Base Security Forces are provided appropriate information on all approved visit authorizations to enable proper visitor badge preparation when a visitor arrives.
- Conduct periodic screening of approved visits and cancel all authorizations for which the US Air Force authorization has expired.
- Ensure the statement appears on all visit authorizations that the disclosure guidance contained in that approval is not releasable to foreign nationals or their representatives.
- Ensure that program offices understand that a US citizen representing a foreign government or entity is considered the same and must follow the same procedures as a foreign national when requesting access to US information.

2.1.4.3. (Added) Extended Visit Authorizations (EVAs). It is the responsibility of the field unit FDO to:

- Periodically screen EVA expiration dates to ensure a foreign national is not continuing to gain access to the Base or an organization or program office once the authorization has expired. If so, proper Security Forces should be notified to escort visitor off base and ensure any badges and passes are confiscated.

**2.5. (Added) Overseas Travel by AFMC Personnel.** Paragraphs 2.5. through 2.5.4. apply to all AFMC personnel and AFMC contractor personnel traveling overseas on TDY when AFMC business requires disclosing military information to international defense organizations, foreign governments, industry, and foreign nationals.

- The FDO should use the AFMC Form 193, Foreign Travel Disclosure Clearance Guide, for this purpose, which documents the following:
  - Ensures the traveler has given complete and accurate information in item 20 which identifies information to be released.
  - Verifies the need for disclosing military information.
  - Ensures proposed disclosure is consistent with US and AFI 16-201 policies and does not exceed the applicable program/country DDL involved.
  - FDO brief to the traveler(s) on disclosure permitted, classification level authorized, and any special conditions that may apply.
  - FDO approves or denies the request (Item 21), signs and dates the form. A copy is provided to the requestor and a copy maintained in the FDO. Note: If a proposed disclosure exceeds the DDL or the FDOs authority, the request must be elevated to the MAJCOM FDPO for resolution.
- The traveler describes the disclosure requirement(s) in item 20, identifying the AFMC information proposed for disclosure in sufficient detail for the FDO to make a release decision.
- The FDO must limit travelers to disclosing unclassified non-export controlled information when:
  - The purpose of the travel (entered in AFMC Form 193, item 10) is attending or presenting a paper at an international meeting. In such cases, AFMC Form 191 should be completed.
  - The FDO determines the traveler has no valid requirement for disclosing classified or unclassified export controlled information.
- Terms or guidance of approved disclosure authority stated as specific limitations and extracted from a DDL, or limitations imposed on specific disclosures may not be revealed to foreign governments, foreign nationals, or any representatives thereof. AFMC Form 193 may be classified if extracts from a DDL are included (in accordance with Security Classification Guide for National Disclosure Policy, AFI 16-201, Attachment 6).
- Disclosure terms or guidance stated in generalities should be marked "For Official Use Only".
- If disclosure authority is granted by identifying the DDL number only, without additional detail, the AFMC Form 193 need not be classified.

**2.5.4. (Added) US Contractor Marketing Visits.** US contractors invited to attend and participate for marketing purposes in international worldwide reviews must satisfy International Traffic in Arms Regulations (ITAR) by obtaining an export license prior to making a presentation at the meeting. A copy of the license approval should be provided to the program OPR for the meeting.

**2.6. (Added) Foreign Nationals Flying on US Air Force Aircraft.** HQ AFMC unit requests will be staffed through HQ AFMC/DO to AFMC/CC or higher for approval. See AFI 11-401, *Flight Management*. Approvals are contingent upon the foreign disclosure review and approval. Circumstances vary considerably which requires each request to be reviewed for foreign disclosure on a case by case basis depending on purpose, justification and access involved. If purpose is validated and covered by

existing delegated policy, disclosure approval with limitations can be accomplished by the field FDO. If the request exceeds field unit foreign disclosure authority, the request should be elevated to AFSAC/IAD for a release determination.

**4.1. (Added) Field Unit FDO Responsibilities.** FDOs are responsible for meeting at least annually with the immediate commander of an International Exchange Officer to review all disclosure aspects involved in the assignment, review pertinent disclosure policy involved, and provide a copy of and discuss the applicable DDL for the assignment. Foreign disclosure review and concurrence is required prior to Information Assurance providing access to DoD computer systems.

**5.1. (Added) Field Unit FDO Responsibilities.** FDOs should periodically screen expiration dates on approved visit authorizations for foreign liaison officers. The FLO supervisor may be contacted to determine whether the FLO is permitted via his/her embassy, to request an extension, which if accomplished, should be done with sufficient lead time to process prior to initial expiration date. Once the authorization has expired, the FLO is no longer authorized access to US Government base or facilities.

**7.2. (Added) Reporting Security Compromises Associated With Disclosure.** It is the responsibility of each foreign disclosure officer to protect from unauthorized transfer of military information, classified and unclassified, to foreign governments, foreign nationals, or any representative (US citizen or foreign) thereof, and to make all required notifications if a compromise has taken place. Following process is required:

- Gather all information involved.
- Report incident to: Unit Security Manager, AFOSI Region 1 Investigative Detachment (to determine if an investigation is required and to document the incident within the Defense Criminal Investigative Index (DCII)), AFSAC/IAD (Command Foreign Disclosure Office), Base Commander (directs action).
- AFSAC/IAD will notify HQ AFMC/SF and AFOSI Region 1/CC; AFMC/CC notified of incident and action. Consequence:
  - Deliberate act: fine, termination, and/or imprisonment.
  - Innocent Act: oral admonishment, written reprimand, termination.
  - Under 22 U.S.C. section 2778 - ITAR: up to two years imprisonment, or a fine of \$100,000, or both.
  - Under 50 U.S.C., Appendix 2410 - EAR: up to \$1,000,000, or five times the value of the exports, whichever is greater; or for an individual, imprisonment of up to 10 years, or a fine of up to \$250,000, or both.
- DoDD 5230.25, Encl 5, para. E5.1.2.
- There is no distinction between civilian or military status.

**10.1. (Added) The following AFMC Forms are for FDO use, but are not mandatory:** AFMC Form 191, **Foreign Disclosure Decision Worksheet:** Air Force activities must obtain advance authorization from a designated disclosure authority before releasing any classified or unclassified export controlled information, documents, or materials to a foreign government, foreign national, international organization, or any representative thereof. Most often an AFMC Form 191 can be used. Attachment 1 tells how to use this form.

10.1.2. (Added) AFMC Form 193, **Foreign Travel Disclosure Review and Foreign Clearance Guide Worksheet**: This worksheet may be used when Air Force military and civilian personnel are going to visit foreign establishments and disclose USAF classified or unclassified export controlled military information. Attachment 2 tells how to use this form.

10.1.3. (Added) AFMC Form 458, **Document Release Evaluation**: The project engineer or scientist or other individual who is technically cognizant of the information to be examined for each proposed release can and should complete this form. Attachment 3 tells how to use this form.



**Attachment 1****USING AFMC FORM 191, FOREIGN DISCLOSURE DECISION WORKSHEET**

- 1. Purpose of Form.** It is used to develop a database essential to the analysis of foreign disclosure and technology transfer.
- 2. Using the Form.** Use of this form is not mandatory, but is recommended, when processing foreign requests. Use the form for all foreign disclosure actions that involve AFMC procurement of goods or services from a foreign owned, controlled, or influenced (FOCI) company; that involves proposing or evaluating AFMC participation in an ICR&D program (such as a data exchange annex, information exchange project, or memorandum of understanding or agreement); that involves the authorized extended visit placement of a foreign national under an engineer and scientist exchange program; or at the discretion of the FDO that involves other significant or complex disclosure actions that require a detailed analysis. AFSAC/IAD may require additional uses when necessary.
- 3. Completing the Form.** The FDO completes paragraph 1 of the worksheet and provides to the program manager or project engineer. That individual completes paragraphs 2 through 7 and returns the form to the FDO who then completes paragraph 8.
- 4. Security Classification.** Blank AFMC Forms 191 are unclassified. Completed forms may contain classified information which would require classification at the level of the information. FDOs must be particularly careful when completing paragraph 8. If the completed worksheet is classified, add the classification authority and automatic downgrading and declassification instructions according to DoD 5200.1/AFI 31-401.
- 5. Filing and Disposition.** The FDO files the completed original form with the relevant foreign disclosure case.

**Attachment 2****USING AFMC FORM 193, FOREIGN TRAVEL DISCLOSURE REVIEW AND FOREIGN CLEARANCE GUIDE WORKSHEET**

- 1. Purpose of the Form.** It is used by AFMC personnel and AFMC contractor personnel traveling overseas on TDY when AFMC business requires disclosing military information to international defense organizations and to foreign governments, industry, and foreign nationals.
- 2. Using the Form.** Use of the form is not mandatory, but is recommended. If the FDO chooses to use this form, they must insure the traveler has provided complete and accurate information in item 20, verifies the need for disclosing military information, and insures the proposed disclosure is consistent with US policy, AFI 16-201, and applicable Delegation of Disclosure Authority Letter (DDL).
- 3. Completing the Form.** The FDO only needs to complete paragraph 21, sign and date the form. It is the responsibility of the traveler to complete the remainder of the form.
- 4. Security Classifications.** Blank AFMC Forms 193 are unclassified. However, completed forms may contain classified information. FDOs must be particularly careful when completing paragraph 21. If the completed worksheet is classified, add the classification authority and declassification instructions at the bottom in accordance with DoD 5200.1/AFI 31-401.
- 5. Filing and Disposition.** The FDO files the original completed form with the relevant foreign disclosure case.

**Attachment 3****USING AFMC FORM 458, DOCUMENT RELEASE EVALUATION**

- 1. Purpose of the Form.** It is used to develop a data base essential to the analysis of foreign disclosure and technology transfer issues associated with the release of AFMC documents to foreign governments.
- 2. Using the Form.** Use of this form is not mandatory, but is recommended when processing AFMC proposals or foreign requests for documents.
- 3. Completing the Form.** The FDO enters the document title and identification number, the assigned AFSAC/IAD case number (if applicable) (in the item marked 'AFMC Activity use'), and the field FDO field activity case/control number. The field FDO forwards one copy of the form along with the document to be reviewed, to the AFMC project engineer or project officer, who is responsible for or knowledgeable of the technical content of the document. The project engineer/officer completes items 1, 2, and 3, and enters his/her name, grade, signature, date, office symbol, and DSN number. Once completed, the form and document is returned to the FDO. Based on the information provided, the FDO determines approval for release, or denial; if recommending denial, will elevate to AFSAC/IAD for decision.
- 4. Security Classification.** Blank AFMC Forms 458 are unclassified, but completed may contain classified information. If contains classified information, apply the appropriate classification markings and add the classification authority and declassification instructions according to DoD 5200.1/AFI 31-401, Information Security.
- 5. Filing and Disposition.** The FDO files the original completed form with the relevant foreign disclosure case.

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